## REMARKS/ARGUMENTS

With this amendment, claims 1-4, 7-8, and 10-13 are pending. Claims 1-4, 7-8, and 10-12 are amended as shown, and claims 5 and 6 are cancelled without prejudice. Claims 1-4, 7-8, and 10-12 have been amended to delete the term "non-porous" and independent claims 1 and 7 have been amended to incorporate previous claim 5. No new matter has been added.

As a preliminary matter, Applicants thank the Examiners for the interview of June 29, 2010. In the interview, the rejection of claims 1-5, 7, 8, and 10-13 under 35 U.S.C. § 112, first paragraph, was discussed, and the Applicants' representatives pointed out that there is no patentability requirement to disclose the scientific theory of an invention. It was tentatively agreed that, upon submission of the relevant case law, the § 112, first paragraph rejection would be withdrawn. The patentability of the claims in view of Tonkin, Mori, and Wright was also discussed, and the Examiners withdrew the rejection in view of Tonkin.

Applicant thanks Examiner Swiatek for a subsequent interview on July 20, 2010. In the interview, the seawater of Mori was further discussed and determined not to be an issue to patentability of the pending claims. The term "non-porous" was further discussed and it was tentatively agreed that, with deletion of this term and incorporation of claim 5 into independent claims 1 and 7, along with cancellation of claim 6, the claims would be in condition for allowance.

### 35 U.S.C. 112, first paragraph

In the Office Action of June 7, 2010, claims 1-5, 7, 8, and 10-13 are rejected under 35 U.S.C. § 112, first paragraph, for allegedly containing subject matter that was not described in the application in such a way as to convey that the inventors had possession of the claimed invention. As discussed above, and in the interview of June 29, 2010, Applicants submit that there is no patentability requirement to disclose the scientific theory of an invention. As the Court of Appeals for the Federal Circuit explained in *Process Control Corp. v. HydReclaim Corp.*, 190 F.3d 1350, 1359, 52 U.S.P.Q.2d 1029, 1035 (Fed. Cir. 1999), "an otherwise valid

patent covering a meritorious invention should not be struck down simply because of the patentee's misconceptions about scientific principles concerning the invention." Even if the inventor does not correctly explain or understand the theory of operation of her invention, enablement requires only that the information contained in the disclosure of a patent application is "sufficient to inform those skilled in the relevant art how to both make and use the claimed invention." (Manual of Patent Examination Procedure, § 2164, second paragraph.)

This is consistent with the well-established principle that, as a requirement of patentability, an inventor must disclose only the structure of her inventive product or the operation of her inventive process and does not need to disclose, or even comprehend, the scientific principle explaining how or why her invention works. See, e.g., *In re* Bowden, 183 F.2d 115, 119, 86 U.S.P.Q. 419, 422 (C.C.P.A. 1950): "[U]nder the law a patent will be issued to an inventor although he may not understand the principle upon which his invention works." Accordingly, Applicants request withdrawal of the rejection of claims 1-5, 7, 8, and 10-13 under 35 U.S.C. § 112, first paragraph.

**Patentability over the prior art**

Claims 1-4, 7, 8, and 10-13 are rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Tonkin et al. (U.S. 6,615,537) in view of Wright (EP 0268556). Applicants respectfully traverse the rejection. In view of the discussion in the telephonic interview of June 29, 2010, and the remarks previously submitted in view of these references, Applicants submit that the pending claims are patentable over Tonkin et al. in view of Wright. As discussed, this rejection should be withdrawn.

Claims 1, 5, and 6 are rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Mori (EP 1203525) in view of Wright. In view of the discussion in the telephonic interview of July 20, 2010, and the remarks previously submitted in view of these references, Applicants submit that the pending claims are patentable over Mori in view of Wright.

At page 6 of the action, it is asserted that Mori discloses that the water can be seawater, and Wright teaches ions in water being a fertilizer. However, "ions in water" is not equivalent to seawater. Ionic solutions are essential for many life processes, and the ions for plant growth are disclosed in the present application at paragraph [0133]. And, while seawater contains ions, it is not a fertilizer for plants, and is in fact known to be harmful to plants. Applicants refer to the website: http://www.ehow.com/how-does_5210438_saltwater-damage-plants_html for a discussion on seawater's damage to plants. Additionally, Applicants refer to the enclosed literature (References 1-4) which together evidence the harmful effects of the high salinity of seawater on plant growth.

In order to advance this application to issue, Applicants have now amended independent claims 1 and 7, to recite in part: *a ~~non-porous~~ hydrophilic film having a water impermeability of 10 cm or more in terms of water pressure resistance as measured in accordance with JIS (Japanese Industrial Standards) L1092 (method B).* As amended, Applicants submit that independent claims 1 and 7, and all claims depending therefrom including claims 2-4, 7-8, and 10-13 are allowable. Withdrawal of this rejection is respectfully requested.

Applicants respectfully request reconsideration and a timely indication of allowance. If there are any remaining issues that can be addressed by telephone, Applicants invite the Examiner to contact Applicants' counsel at the number indicated below.

Respectfully submitted,
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Enclosures: References 1-4

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